

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 5313 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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PRANTIJ KELAVANI MANDAL - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MS KJ BRAHMBHATT for Petitioner(s) : 1,
MS. MANISHA LAVKUMAR, ASSTT.GOVERNMENT PLEADER for Respondent(s) : 1,
None for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 08/08/2007

ORAL JUDGMENT

It is agreed between the parties that the issue raised in this matter was earlier raised before the High Court and the High Court in the matter of Akhandanand Kelavani Uttejak Mandal v. Regional Provident Fund Commissioner [1997 [3] GLR 2322] has negatived the identical contention. In view of the said authoritative pronouncement, this petition is also dismissed.

Learned counsel for the petitioner further submits that the question of liability of the State Government is also required to be decided in these proceedings. Ms. Manisha Lavkumar, learned AGP for

the State on the other hand, submitted that at this stage, this Court should not interfere in the matter but should allow the subordinate authority to pass final order and and in case final order is made against the petitioner, then, he may be allowed to challenge the second question relating to the liability of the State Government in the petition, if any, filed against the final order.

Agreeing with the submission of the learned counsel for the State, after reserving the said liberty in favour of the petitioner, I refuse to interfere in the matter. The petition is dismissed. Rule is discharged. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

pirzada/-